CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

SEPTEMBER 2, 2008

INVOCATION:
Chaplain Fred Morgan of Marian Medical Center gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Trujillo led the Pledge of Allegiance.

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Patino, Trujillo, Zacarías, and Mayor Lavagnino

MEMBERS ABSENT:
Councilmember Orach

STAFF MEMBERS PRESENT
City Manager Ness, City Attorney Trujillo, Assistant City Manager Haydon, Director of Public Works/City Engineer Whitehead, Director of Community Development Lindsey, Police Chief Macagni, Fire Chief Ortiz, Director of Utilities Sweet, Accounting Manager Harvey, and Chief Deputy City Clerk Perez.

RESOLUTION FOR CHARLES SLOSSER
Councilmember Zacarías read a resolution commending Charles Slosser, President and CEO of Santa Barbara Foundation, for 18 years of leadership and congratulating him on his retirement.

Resolution No. 2008-130 was adopted on motion by Councilmember Zacarías, seconded by Councilmember Patino, and carried on the following vote:

AYES:	Councilmembers Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES:	None
ABSENT:	Councilmember Orach
ABSTAIN:	None

Resolution No. 2008-124 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, COMMENDING CHARLES SLOSSER.

The Resolution was presented to Kathy Simas and Juanita Nichols from the Santa Barbara Foundation on behalf of Charles Slosser.

PUBLIC COMMENT
Larry Bargenquast spoke about 1.3 million illegal aliens who have returned to Mexico because of the high cost of living and fewer jobs and the high cost to California of providing services to illegal aliens.

Mark Rademaker spoke about Planned Parenthood and the killing of unborn babies.

Bob Ziener congratulated the City Council and Mayor for the beautiful new library. He talked about a life-size reproduction of the ship, Santa Maria, in the downtown area.

Ernest Armenta talked about safe and sane fireworks sales being a major fundraiser for non-profit organizations and Mayor Lavagnino's voting record.

Louie Lora talked about his alarm company, which he runs from his home, and two citations he received for parking his company vehicle at his home while he was conducting business.

Glenda Stafford asked for additional volunteer patrols to assist the Police Department, and talked about problems that were still occurring in her neighborhood.

Paula James requested the City ask the immigration status of everyone law enforcement officers come in contract with.

Mickey Freeman spoke about the illegal tamale and corn vendors and the hot truck vendors who were not abiding by the regulations.

Peggy Jordan spoke about "why it is good to be me" and how implementing 287(g) would give the Sheriffs another tool to use.

CONSENT CALENDAR
Mayor Lavagnino requested Item 3C – a proposal to name the plaza in front of the new library "Lavagnino Plaza" - be pulled for separate vote as he was going to recuse himself from that item.

Consent Calendar Items A through H, except C, were approved on motion by Councilmember Trujillo, seconded by Councilmember Patino, and carried on the following vote:

AYES:	Councilmembers Patino, Trujillo, Zacarias, and Mayor Lavagnino
NOES:	None
ABSENT:	Councilmember Orach
ABSTAIN:	None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of August 5, 2008, were approved as submitted.

C. LAVAGNINO PLAZA
Pulled for separate vote.

D. RELEASE OF BOND
Council accepted as complete the public improvements consisting of the installation of landscaping and irrigation improvements, and authorized the release of a Faithful Performance Bond for Betteravia Business Plaza, Tract 5826, in the amount of $59,383, with an order that the Contractor, Labor and Material Bond be retained until March 2009 and the Planting and Irrigation Maintenance Bond be retained until September 2009.

E. WARRANTS
Warrant Nos. 144362 to 144717 in the amount of $1,133,516.12 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 143898, 143963, 144213, and 144237 were cancelled.

F. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

G. VOLUNTEER WORKERS

Resolution No. 2008-132 was adopted updating Resolution No. 78-4338 declaring registered volunteer workers in all departments to be considered "employees" for the purpose of workers' compensation insurance coverage.

Resolution No. 2008-132 adopted. AN UPDATING RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, DECLARING VOLUNTEER WORKERS IN ALL DEPARTMENTS TO BE CONSIDERED "EMPLOYEES" FOR THE PURPOSE OF WORKERS' COMPENSATION INSURANCE COVERAGE UNDER DIVISION 4 OF THE CALIFORNIA LABOR CODE.

H. NOTICE OF CONTRACT COMPLETION

Council accepted as complete the public improvements and approved the Notice of Contract Completion for Construction Plans for Cell 1 Liner Construction, Bid No. 2002/09, and authorized the Chief Deputy City Clerk to record same.

ITEM 3C – LAVAGNINO PLAZA

Mayor Lavagnino recused himself at this time and left the room.

Acting Mayor Pro Tem Trujillo opened the discussion of Item 3C, a proposal to place Mayor Larry Lavagnino's name on the list from which to name City facilities, name the plaza fronting the Santa Maria Public Library "Lavagnino Plaza" in honor of Mayor Larry Lavagnino, and direct staff to place a commemorative plaque near the plaza recognizing Mayor Lavagnino's contributions to the community.

Councilmember Zacarías stated all the Councilmembers were at the Grand Opening of the Library when they received the recommendation from the Library Board of Trustees to name the plaza. They all felt a sense of pride and support for the idea. She was excited to bring it to a vote so quickly and to recognize the Mayor for all his work.

Councilmember Patino stated the Councilmembers were very much in favor of this. Mayor Lavagnino epitomized the All-America City that Santa Maria was. He was a great Mayor who had his heart in the City of Santa Maria. It was so appropriate to name the plaza after him.

Councilmember Trujillo stated he felt it was fitting to name the plaza for Mayor Lavagnino.

Ernest Armenta asked if there were any other names submitted for consideration of naming of the plaza or if the public was asked for suggestions. He asked about the process.

Councilmember Patino indicated that it was the Library Board of Trustees who nominated Mayor Lavagnino.

City Manager Ness announced that he had a letter from Councilmember Orach supporting the naming of the plaza for Mayor Lavagnino.

Resolution 2008-131 was adopted naming the plaza "Lavagnino Plaza" on motion by Councilmember Patino, seconded by Councilmember Zacarías, and carried on the following vote:

AYES: Councilmembers Patino, Trujillo, and Zacarías
NOES: None
ABSENT: Councilmember Orach
ABSTAIN: Mayor Lavagnino

Resolution No. 2008-131 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, NAMING THE PLAZA FRONTING THE SANTA MARIA PUBLIC LIBRARY "LAVAGNINO PLAZA" IN HONOR OF MAYOR LARRY LAVAGNINO.

Mayor Lavagnino returned to the dais at this time. He thanked the City Council. He said it was a great honor, maybe undeserved, but very appreciated. He thanked the Library Board of Trustees for nominating him. It was very emotional for him when they announced it at the Grand Opening. It brought to mind his mother and father and their name going on in history. It was quite an honor.

GROWTH MITIGATION ANNUAL COMPLIANCE REPORT

Accounting Manager Harvey gave the staff report. Council was requested to receive and file the annual Growth Mitigation Compliance Report which was a report of the accounting, compliance, and reconciliation of AB1600 growth mitigation fees at the end of the 2007-08 fiscal year as required by law. All changes to the City's Growth Mitigation Fee Program were handled separately and were subject to public hearing requirements. The City Council adopted 2007 Growth Mitigation Fee Program changes on May 15, 2007, and those fees went into effect July 14, 2007, 60 days after their adoption. The purpose of the City's growth mitigation fees was to finance the design, construction, and acquisition of facilities and equipment to maintain the City's level of service. Once collected, the growth mitigation fees were segregated and placed in special funds, which earned interest, and were held for the facilities and equipment for which the fees were collected. Pursuant to Government Code Section 6606(b)(1), local agencies shall, within 180 days after the last day of each fiscal year, make available to the public a report which contains specific information. The report outlined the required information for each account or fund.

Councilmember Zacarías referenced page 8 of the staff report, and asked how the water fee was calculated. She asked if it was really per square foot fee for single family homes or a per unit fee.

Utilities Director Sweet explained that it was a per meter or per unit fee.

Councilmember Zacarías asked if there were any ramifications for the funds that showed a negative balance.

Accounting Manager Harvey explained that there would be no interest earned; however, as money was collected, the negative balance would decrease.

Ernest Armenta asked if the fees were already in place and were not new fees. He suggested that at this time due to the economy, the City not put any new fees on developers.

Councilmember Patino asked about the traffic improvement fees-signal installation, the Highway 101 and McCoy project, and the North Blosser Road widening project.

Director Whitehead indicated he would research it and get back to her on the location of the signal installation. The Highway 101 and McCoy item was for the project report for the new interchange. The North Blosser Road widening project was a clean-up expenditure.

Hearing no further comments, Mayor Lavagnino received and filed the report.

CITY MANAGER'S REPORT

City Manager Ness reported on items expected for the September 16, 2008, City Council meeting including public hearings for the Lakeview Promenade GPZ, a Zoning Text Amendment related to increased height in the R-3 zone for the Lakeview Promenade project, and a continued public hearing for a General Plan Amendment and Zone Change for Mahoney Ranch.

ORAL REPORTS BY COUNCILMEMBERS

Councilmember Patino reported she met last week with the Foxenwoods Homeowners Association regarding Union Valley Parkway. She also attended the Mary Catherine of Siena event at St. Mary's Church and the Grand Opening of the Library on August 23, 2008.

Councilmember Zacarías reported she also attended the Grand Opening of the Library which was pure joy. She thanked City Librarian Buchanan and his staff.

Mayor Lavagnino attended the INC meeting where Guadalupe Mayor Alvarez and Supervisor Joni Gray spoke. He attended the Library Donor Party on Friday, August 22nd, and the Grand Opening of the Library on August 23rd. He met with Andrea Seastrand on the California Space Authority, and on Wednesday he attended the Open House for the St. Jude Children's Hospital home that was being raffled off. On Thursday, he met with the new Grand Jury. He thanked Frank Ortiz for representing the City at the Channel Counties Division of the League of California Cities meeting in Santa Paula.

Councilmember Trujillo indicated that Dee Greenawald should be commended for her work in raising funds for the new Library as part of the Finance Committee.

CLOSED SESSION
Council recessed to a Closed Session at 7:30 p.m. for Conference with Legal Counsel – Anticipated Litigation pursuant to Government Code Section 54956.9 (1 potential case), and Conference with Legal Counsel – Liability Claims pursuant to subsection (d) of Government Code Section 54956.95, Claimant: Christopher G. Williams, Claim #: 2007-18, Agency Claimed Against: City of Santa Maria.

Following the Closed Session, the following report was given:

Conference with Legal Counsel, Anticipated Litigation – A report was given with no action taken.

Conference with Legal Counsel, Liability Claim for Christopher G. Williams – Direction to staff was given.

ADJOURNMENT
There being no further business to come before the City Council at this time, the meeting was declared adjourned by Mayor Lavagnino at 7:52 p.m.

APPROVED

9/16/2008
Date

Patricia A. Perez
Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

ATTEST

Patricia A. Perez
Chief Deputy City Clerk

S. S. Lavagnino
Mayor of the City of Santa Maria